

D. The Commission Should Reject LQP's Illogical Suggestion That Milestones Begin Upon The Issuance Of A Conditional License.

Finally, LQP urges the Commission to redefine the point from which satellite and system construction/completion milestones will be counted. LQP suggests that "to facilitate the development of the many benefits of MSS Above 1 GHz," the Commission should mandate that milestone dates will be counted from the date of receipt of a conditional authorization, i.e., an authorization that does not include a specific allotment of feeder link spectrum.^{56/}

TRW disagrees with this proposal, which is unnecessary and will not have the beneficial effect that LQP imputes to it. As an initial matter, no "clarification" is needed. TRW believes that the Commission made it clear that milestones would commence upon the unconditional grant of an authorization. The Commission's subsequent reference to "initial authorization," highlighted by LQP as a source of confusion, clearly means the date of the unconditional license grant.^{57/}

Second, LQP's alternative formulation is illogical. While permittees may wish to begin construction as soon as a conditional authorization is issued, and the Commission contemplates issuing any waivers that may be necessary and appropriate to this end, such action should not be required until the Commission has allotted suitable feeder link spectrum for each permittee. There is no useful purpose served by requiring system operators to begin fulfilling system construction deadlines

^{56/} See LQP Petition at 23.

^{57/} See R&O, FCC 94-261, slip op. at ¶ 189. Compare LQP Petition at 23.

before full system operating parameters are known. Milestones should begin to run from the date that an unconditional construction permit, including sufficient feeder link spectrum, is issued. The Commission can best facilitate the rapid development and implementation of service not by arbitrarily starting the count toward milestone dates, but by ensuring that feeder link assignments are made as expeditiously as possible -- which, in turn, will permit the grant of unconditional licenses and the triggering of each permittee's milestone timetable.^{58/}

IV. The Commission Should Modify Or Clarify Certain Service Rules In Order To Promote Spectrum Efficiency.

A. The Commission Should Modify Section 25.203(k) In Accordance With The Conclusions Of The MSS Above 1 GHz Negotiated Rulemaking Committee.

Constellation, Motorola and TRW are in agreement that the Commission should modify new rule Section 25.203(k) to conform to the conclusions of the NRM Committee.^{59/} As Constellation explains, the intent of the NRM Committee in proposing Section 25.203(k) was "to insure that feeder link Earth stations would comply with inter-system agreements reached by the space station system licensee"

^{58/} As discussed in its original Petition, TRW also believes that the Commission should introduce the beneficial possibility for postponement of construction and completion milestones once a licensee has launched a portion of its constellation and commenced service, so long as it demonstrates substantial compliance with the Commission's technical requirements. See TRW Petition at 19-20.

^{59/} See Petition for Reconsideration of Constellation Communications, Inc., CC Docket No. 92-166, at 10-12 (filed November 21, 1994); Comments of Motorola Satellite Communications, Inc., CC Docket No. 92-166, at 59 & n.44 (filed May 5, 1994); Comments of TRW Inc., CC Docket No. 92-166, at 142-47 (filed May 5, 1994) ("TRW Comments"); TRW Petition at 17-19.

with non-GSO systems.^{60/} By adding obligations regarding space stations to language that was directed at the possibility of interference caused by Earth stations, the Commission has created a rule that is both incoherent, and that may operate to relegate certain non-GSO systems to second-class status. As new rule Section 25.278 already contains the equal coordination obligations that the NRM Committee sought to establish for non-GSO systems and GSO FSS systems,^{61/} the Commission should eliminate the misplaced references to "space stations" in Section 25.203(k). Pursuant to this modification, TRW agrees with Constellation that the Commission should also eliminate the reference to Section 25.203(k) in new rule Section 25.114(c)(6)(iii).^{62/}

B. The Commission Should Clarify That 1.6/2.4 GHz MSS Systems Complying With RR 731E's E.I.R.P. Limits Need Not Provide Additional Interference Protection to Stations Operating Under RR 732 And RR 730.

In its Petition, Constellation supports TRW's request that the Commission clarify its statements in the R&O in this proceeding regarding the obligations imposed by international Radio Regulation 731E on 1.6/2.4 GHz MSS systems to provide interference protection to stations operating under RR 732 and RR 730.^{63/} TRW agrees with Constellation that new rule Section 25.213, which addresses RR 731E, "should be limited to specific sharing criteria, such as those

^{60/} Constellation Petition at 11.

^{61/} See id.; TRW Petition at 17-18.

^{62/} See Constellation Petition at 12.

^{63/} See id. at 14-17; TRW Petition at 13; R&O, FCC 94-261, slip op. at ¶¶ 123-129.

contained in subsections (a) and (b) and the first sentence of subsection (c)."^{64/} To this end, TRW once again urges the Commission to confirm that a 1.6/2.4 GHz MSS system that abides by RR 731E's e.i.r.p. limits cannot, by definition, cause harmful interference to stations operating under RR 732 and RR 730, and therefore will not be required to provide any additional interference protection to such stations.^{65/}

C. 1.6/2.4 GHz MSS Systems Should Be Permitted To Cease Operations In Specified Frequency Bands During RAS Observations In Lieu Of Attenuating Emissions Based On The Location Of User Transceivers.

Constellation also proposes a modification in new rule Section 25.213(a)(1) to require that 1.6/2.4 GHz MSS systems be capable of determining the position of user transceivers only when those transceivers are accessing the space segment in the 1610.6-1613.8 MHz band.^{66/} Constellation notes that this proposal would permit a reduction in the cost of user transceivers that operate exclusively outside the bands used for radio astronomy service ("RAS") observations, as those transceivers would not need position determination circuitry.^{67/}

Constellation's proposal would permit a 1.6/2.4 GHz MSS system to cease operations in specified frequency bands on the satellite antenna beam(s) that cover an RAS site during periods of RAS observations. Because this corresponds with

^{64/} Constellation Petition at 16.

^{65/} See TRW Petition at 12-13.

^{66/} See Constellation Petition at 12.

^{67/} See *id.* at 13.


a proposal TRW made in its own Amended Application, it supports Constellation request.

V. Conclusion

As discussed above and in its initial Petition, TRW believes that the Commission has struck appropriate balances in most respects in adopting service rules for the 1.6/2.4 GHz MSS, and that its rules and policies should be largely affirmed on reconsideration. Nevertheless, the Commission should conclude that AMSC's LEO amendment should not have been permitted, and that AMSC has no standing to pursue a "co-primary" GSO proposal any longer, and, in addition, adopt the other proposals made herein and in TRW's initial Petition for Reconsideration.

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December 20, 1994

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CERTIFICATE OF SERVICE

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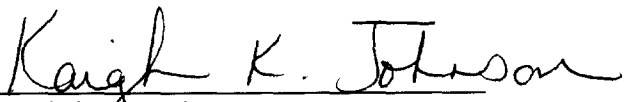
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